

1996

## c Pr26 Windsor Utilities Commission Act, 1996

Ontario

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### Bibliographic Citation

*Windsor Utilities Commission Act, 1996*, SO 1996, c Pr26

### Repository Citation

Ontario (1996) "c Pr26 Windsor Utilities Commission Act, 1996," *Ontario: Annual Statutes*: Vol. 1996, Article 62.

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## CHAPTER Pr26

# An Act respecting the Windsor Utilities Commission and the supply of heat energy within the City of Windsor

*Assented to December 19, 1996*

Preamble	<p>The council of The Corporation of Windsor has passed a by-law under section 38 of the <i>Public Utilities Act</i> that entrusts to The Windsor Utilities Commission the construction, control and management of the works described in that section for the supply of steam and hot water in the City of Windsor. The Commission has applied for special legislation that deems the by-law to have also entrusted to the Commission the construction, control and management of those works for the production or supply of heat energy. The Commission has also applied for special legislation that allows it to continue to use its name despite subsection 40 (2) of the <i>Public Utilities Act</i>.</p>	<p>under section 38 of the <i>Public Utilities Act</i> before the coming into force of this Act that entrusts to the Commission the construction, control and management of the works described in that section for the supply of steam and hot water in parts of the City of Windsor specified in the by-law shall be deemed to have also entrusted to the Commission the construction, control and management of those works for the production or supply of heat energy in those parts of the City of Windsor.</p>	
	<p>It is appropriate to grant the application.</p>	<p>(4) This Act applies to all contracts or agreements that the Commission has entered into after June 1, 1996 with respect to the production or supply of heat energy.</p>	Previous contracts
	<p>Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:</p>	<p>(5) The council of the Corporation may by by-law authorize the Commission, in connection with the production or supply of heat energy, to exercise the powers and authority set out in the <i>Public Utilities Act</i> in a part of the City of Windsor that is not specified in a by-law mentioned in subsection (3).</p>	Additional powers
Definitions	<p>1. In this Act,</p> <p>"Commission" means The Windsor Utilities Commission;</p> <p>"Corporation" means The Corporation of the City of Windsor;</p> <p>"heat energy" means energy that is conveyed in the medium of steam, hot water, chilled water, hot air or cooled air that is produced for sale and used for heating and cooling;</p> <p>"production" includes procurement from any source, development, generation, transformation and manufacture;</p> <p>"supply" includes delivery, dealing in, conveying, distribution and sale.</p>	<p>3. Subsection 40 (2) of the <i>Public Utilities Act</i> does not apply to the Commission.</p>	Name of Commission
		<p>4. Sections 2 and 3 of the <i>Municipal Franchises Act</i> do not apply to a person who enters into a contract with the Commission if,</p>	Non-application of Act
		<p>(a) the contract is to supply heat energy to the Commission; and</p>	
		<p>(b) the person does not occupy or install any works in, under or over any highway or lane in the City of Windsor, other than the portion of Chatham Street East lying between Glengarry Avenue and McDougall Street.</p>	
Heat energy	<p>2. (1) The definition of "public utility" in section 1 of the <i>Public Utilities Act</i> shall be deemed to include heat energy for all purposes of the Commission and the Corporation.</p>	<p>5. Nothing in this Act in any way diminishes or derogates from the powers, rights, authority, privileges and immunities that the Commission has under a municipal by-law or any other Act.</p>	Existing powers
Purposes and business	<p>(2) The purposes and business of the Commission include the production and supply of heat energy.</p>	<p>6. (1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.</p>	Commencement
Previous by-law	<p>(3) By-law number 12519 that the council of the Corporation passed on April 15, 1996</p>		

Same	<b>(2) Subsection 2 (5) comes into force on a day to be named by proclamation of the Lieutenant Governor.</b>	<b>7. The short title of this Act is the <i>Windsor Utilities Commission Act, 1996</i>.</b>
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